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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re D.J., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

D.J.,

Defendant and Appellant.

E057742

(Super.Ct.No. J241236)

OPINION

APPEAL from the Superior Court of San Bernardino County. Brian Saunders,
Judge. Affirmed.

Matthew A. Siroka, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

STATEMENT OF THE CASE

On October 17, 2011, a Welfare and Institutions Code section 602, subdivision (a), petition alleged that on September 7, 2011, defendant and appellant (minor) committed misdemeanor battery on a school employee engaged in the performance of her duty. (Pen. Code, § 243.6.)

On November 10, 2011, the juvenile court placed minor on informal probation under Welfare and Institutions Code section 654.2, and ordered him to complete various terms and conditions, including attending anger management classes and completing community service. Minor was also given a special instruction to “not have any negative interaction with [the teacher].”

In April 2012, the probation officer contacted minor’s mother regarding the anger management classes and community service. Minor’s mother advised the officer that minor had been suspended from school, which interrupted his classes. In light of this information, the probation officer recommended that the October 17, 2011 petition be reinstated and minor’s informal probation be terminated.

On May 8, 2012, the juvenile court terminated informal probation, reinstated the petition, and issued a bench warrant for minor. The court found that minor failed to comply with the terms of his informal probation.

On May 17, 2012, minor and his mother appeared in juvenile court. The court determined it had issued the bench warrant in error because the probation officer had given minor and his mother the wrong date to appear.

On November 15, 2012, a first amended petition under Welfare and Institutions Code section 602, subdivision (a), was filed, adding a second allegation—a violation of Penal Code section 242 (battery).

On November 16, 2012, the juvenile court held a jurisdictional hearing, and found true the first allegation under Penal Code section 243.6, and dismissed the second allegation under Penal Code section 242.

On December 18, 2012, the juvenile court declared minor to be a ward of the court, and placed him in the custody of his parents. The court also placed minor on probation. The court ordered the parents to participate in family counseling, parenting education, or any other treatment services that would benefit minor and the family as directed by probation. The court further ordered total payments for fines, fees, and restitution to be \$27.50 a month. The court also imposed a variety of conditions of probation, including attending school regularly, obeying a curfew between 8:00 p.m. and 6:00 a.m., and enrolling in anger management counseling.

On December 19, 2012, minor filed a timely notice of appeal.

STATEMENT OF FACTS

In September 2011, the victim was a special education support teacher working a high school in San Bernardino. Minor was a student in one of the classes she was assisting. Minor, however, was not one of the teacher's special education students.

According to the teacher, on September 7, 2011, minor arrived to class late. The teacher attempted to direct him where to be seated, and minor slapped her hand. She had minor removed from the classroom; minor was suspended for one day. The police were

not called because the teacher told the vice principal that she was not sure if she wanted to file criminal charges against minor.

On September 13, minor returned to the classroom, walked by the teacher and “brushed up against [her] and bumped [her] on the shoulder.” Minor then yelled, ““Oh, you going to call security? You going to write a report on me? You going to report this now?”” The teacher contacted campus security to have minor escorted out of the classroom.

Minor testified that on September 7, 2011, he walked into the classroom “only a minute after the bell rang.” The teacher “put her hand in my face” and said, ““Hold on.”” Minor denied hitting her hand out of his way and said that he “slightly pushed her hand out of [his] face and walked to [his] seat.” He testified that he “felt that [the teacher] was invading [his] space.” Minor testified that he left the classroom as soon as they told him to leave, and that he was suspended for five days.

Minor admitted that on September 13, 2011, he was mad at the teacher, and told “everybody in class that [the teacher] had hit [him].” Minor’s mother admitted that she told her son to “cause a scene” in the classroom. Minor denied bumping or brushing against the teacher on September 13.

ANALYSIS

After minor appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to

undertake a review of the entire record. These procedures apply to juvenile delinquency cases. (*In re Kevin S.* (2003) 113 Cal.App.4th 97.)

We offered minor an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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McKINSTER
Acting P.J.

We concur:

KING
J.

CODRINGTON
J.